

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

EXELA PHARMA SCIENCES, LLC, *et al.*,

Plaintiffs,

V.

DAVID J. KAPPOS, Under Secretary of  
Commerce for Intellectual Property and  
Director of the United States Patent and  
Trademark Office,

UNITED STATES PATENT AND  
TRADEMARK OFFICE,

Defendants,

and

SCR PHARMATOP and CADENCE  
PHARMACEUTICALS, INC.

## Intervenors-Defendants

Civil Action No. 1:12-cv-00469  
(LO/JFA)

## NOTICE OF HEARING

PLEASE TAKE NOTICE that on Friday, November 2, 2012, at 10:00 am, or as soon thereafter as counsel may be heard, Defendants will bring forward a hearing on their Motion for a Continuance of the Merits Briefing Schedule.

Respectfully submitted,

NEIL H. MacBRIDE  
United States Attorney

By: \_\_\_\_\_ /s/

STEPHEN J. OBERMEIER  
Assistant United States Attorney  
Justin W. Williams U. S. Attorney's Building  
2100 Jamieson Avenue

Alexandria, Virginia 22314  
(703) 299-3785 (direct)  
(703) 299-3983 (fax)  
stephen.obermeier@usdoj.gov

DATED: October 26, 2012

ATTORNEYS FOR DEFENDANT

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 26, 2012, I will file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

Clarence Edward Polk , Jr. Exela Pharma Sciences, LLC 42450 Longacre Drive Chantilly, VA 20152 703-989-5397 Fax: 703-957-4166 Email: epolk@exela.us  <i>Counsel for Plaintiffs</i>	Aaron Levi Webb Oliff & Berridge PLC 277 S Washington St Suite 500 Alexandria, VA 22314 703-836-6400 Fax: 703-836-2787 Email: awebb@oliff.com  <i>Counsel for Intervenors</i>
Peter Thomas Ewald Oliff & Berridge PLC 277 S Washington St Suite 500 Alexandria, VA 22314 703-836-6400 Fax: 703-836-2787 Email: pewald@oliff.com  <i>Counsel for Intervenors</i>	

By:                     /s/                      
Stephen J. Obermeier  
Assistant United States Attorney  
Justin W. Williams U. S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3785 (direct)  
(703) 299-3983 (fax)  
stephen.obermeier@usdoj.gov

ATTORNEY FOR DEFENDANTS